

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

FILED

OCT 28 2005

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

KENNETH BARNES

Plaintiff,

-vs-

COREY FLAGG, and
CITY OF CHICAGO,

Defendants.

No. 05 CV ____

(jury demand)

05C 6229

JUDGE ZAGEL

COMPLAINT

MAGISTRATE JUDGE COLE

Plaintiff, by counsel, allege as follows:

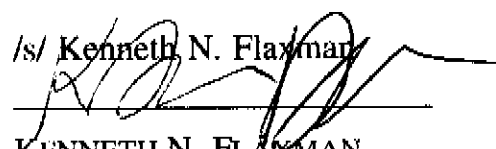
1. This is a civil action arising under 42 U.S.C. §1983. The jurisdiction of this Court is conferred by 28 U.S.C. §1343.
2. Plaintiff Kenneth Barnes is a resident of the Northern District of Illinois.
3. Defendant City of Chicago is an Illinois municipal corporation.
4. Defendant Corey Flagg was at all times relevant acting under color of his authority as a Chicago police officer.
5. On or about March 16, 2004, defendant Flagg and other Chicago police officers unlawfully entered plaintiff's residence, conducted an intrusive and disruptive search, and fabricated evidence that was used to justify the arrest of plaintiff.
6. In the course of making the arrest, one of the Chicago police officers with defendant Flagg used excessive and unreasonable force, causing plaintiff to sustain personal injuries.

- 2 -

7. As the result of the above described wrongdoing, plaintiff remained in custody until February of 2005, when all charges against him were dismissed in a manner indicative of his innocence.
8. As the direct and proximate result of the above described acts, plaintiff was deprived of rights secured by the Fourth and Fourteenth Amendment to the Constitution of the United States and subjected to the Illinois torts of battery, false imprisonment and malicious prosecution, for which the City of Chicago is liable under the doctrine of respondeat superior.
9. Plaintiff hereby demands trial by jury.

Wherefore plaintiff requests that judgment be entered in his favor in the amount of one hundred and thousand dollars, and that the Court grant whatever other relief as may be appropriate.

/s/ Kenneth N. Flaxman


KENNETH N. FLAXMAN
200 South Michigan Avenue
Suite 1240
Chicago, Illinois 60604-2430
(312) 427-3200
attorney for plaintiff